

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ALICE KIEFT,

CIVIL ACTION NO.:

Plaintiff,

04-10949 NMG

v.

AMERICAN EXPRESS COMPANY,
AMERICAN EXPRESS COMPANY LONG
TERM DISABILITY PLAN, and
AMERICAN EXPRESS COMPANY LIFE
INSURANCE PLAN,

Defendants.

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JOINT STATEMENT REGARDING PRETRIAL MATTERS

Pursuant to Local Rule 16.1, Plaintiff, ALICE KIEFT, and defendants, AMERICAN EXPRESS COMPANY, AMERICAN EXPRESS COMPANY LONG TERM DISABILITY PLAN ("LTD Plan"), and AMERICAN EXPRESS COMPANY LIFE INSURANCE PLAN ("Life Insurance Plan") file this Joint Statement Regarding Pretrial Matters. This matter involves both a claim for benefits under the American Express Salary Continuation Benefits policy, and a claim for benefits under the ERISA-covered LTD Plan and Life Insurance Plan.

Proposed Scheduling Order

The Parties propose the following schedule:

Automatic disclosures shall be made on or before **June 30, 2005**.

Identification of experts by **October 30, 2005**.

All discovery to be completed by **December 30, 2005**.

On or before **February 24, 2006**, both parties shall file with the Court their Cross-Motions for Summary Judgment and/or Cross-Motions for Judgment on the Administrative Record.

On or before **March 24, 2006**, the parties shall file their respective oppositions to Cross-Motions for Judgment.

Oral argument on the parties' Cross-Motions to be scheduled by the Court: _____.

Additional Matters

The parties certifications pursuant to Local Rule 16.1(D)(3) will be filed under separate cover.

The parties do not agree to have this matter heard by a Magistrate Judge.

The Plaintiff has submitted a settlement demand to the Defendant pursuant to Local Rule 16.1(C). The defendants responded to the settlement demand. No further discussions have been held.

Respectfully submitted,

PLAINTIFF
By her attorney,

By: /s/ Stephen L. Raymond

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DEFENDANTS,
By their attorneys,

By: /s/ Constance M. McGrane

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